

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RIVER CHIROPRACTIC AND WELLNESS)	CASE NO. 1:20-cv-00688
CENTER, LLC,)	
)	JUDGE DONALD C. NUGENT
Plaintiff,)	
)	
-vs-)	
)	<u>MOTION FOR CLASS</u>
BANKROLL CAPITAL, INC.)	<u>CERTIFICATION</u>
)	
Defendant.)	

NOW COMES Plaintiff, River Chiropractic and Wellness Center, LLC (“River Chiropractic”), by and through counsel, and brings this action to secure redress from Defendant Bankroll Capital, Inc.’s (“Bankroll”) practice of sending unsolicited promotional faxes without consent of the recipient in violation of the Telephone Consumer Protection Act (“TCPA”), U.S.C. § 227. Pursuant to Fed.R.Civ.R. 23, Plaintiff hereby moves this Court for an Order certifying the proposed class as outlined in its Class Action Complaint. (Complaint, ECF Doc #: 1).

I. INTRODUCTION

“The plain language of the [TCPA] prohibits the “use [of] any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement.” 47 U.S.C. § 227(b)(1)(C).” *Am. Copper & Brass, Inc. v. Lake City Indus. Prod., Inc.*, 757 F.3d 540, 544 (6th Cir. 2014).

“[I]n enacting the TCPA, Congress noted that such fax advertising ‘is problematic’ because it ‘shifts some of the costs of advertising from the sender to the recipient’ and ‘occupies the recipient's facsimile machine so that it is unavailable for legitimate business messages while